UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,923	08/07/2001	Richard D. Martin	401-13U1	9008

570	7590	10/19/2005

AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

EXAMINER
SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
2154	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/923,923	MARTIN ET AL.
	Examiner	Art Unit	
	Mohammad A. Siddiqi	2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>05 July 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____ .

4)☒ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-24 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made in

this Office action:

> A person shall be entitled to a patent unless –

> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

3.   Claims 1-11, 13, 15-17, 19-21 and 23-24 are rejected under 35 U.S.C.

102(e) as being unpatentable as being anticipated by Call, Charles G.

(hereinafter Call), US 6,418,441.

4.   As per claim 1, Call teaches a method of obtaining selected content for

a web page, wherein the selected content itself is not initially part of the web

page, the web page including script associated with the selected content, the

method comprising:

(a) a web browser requesting a web page that includes script associated

with the selected content (Col. 2, lines 18-29); and

(b) the web browser interpreting the script and formatting a request for

obtaining the selected content from a remote site, the request including a

uniform resource identifier (URI) of the web page and a unique identifier of

the selected content (Col. 2, lines 40-48; Col. 15, lines 39-52; Col. 21, lines

43-48).

5.   As per claim 2, Call teaches a method of claim 1, further comprising:

(c) a remote site receiving the request and authenticating whether the URI is

authorized to receive the selected content (Col. 6, lines 10-14, lines 43-55),

and, if so, the remote site locating the selected content, and sending the

selected content to the web browser (Col. 17, lines 65-67; Col. 18, lines 1-

10, lines 52-58); and

(d) the web browser assembling the initially requested web page using the

selected content obtained from the remote site (Col. 23, lines 3-8, and lines

51-55).

6.   As per claim 3, Call teaches the method of claim 2, wherein the

remote site is a web server, and the selected content is stored in a content

repository connected to the web server (Col. 6, lines 44-52).

7.   As per claim 4, Call teaches the method of claim 2, wherein the

selected content includes two or more different selected content, each

selected content being used for different parts of the web page, wherein

each selected content has its own script for implementing steps (b)-(d) (Col.

3, lines 1-7; Col. 28, lines 46-58).

8.   As per claim 5, Call teaches the method of claim 2, wherein in step (c),

if the URI is not authorized to receive the selected content, the remote site

sends a signal to the web browser that the selected content is not available,

and the web browser assembles the web page without the selected content

(Col. 19, lines 28-31, lines 54-65).

9.   As per claim 6, Call teaches the method of claim 1 wherein the URI is

a uniform resource locator (URL) (Col. 2, lines 45-48; Col. 15, lines 48-52).

10.   As per claim 7, Call teaches the method of claim 1 wherein the

selected content is only a portion of the web page (Col. 2, lines 22-25).

11.   As per claim 8, Call teaches the method of claim 1 wherein the

selected content is a digital asset (Col. 6, lines 48-55; Col. 17, lines 20-26).

12.   As per claim 9, Call teaches the method of claim 1 wherein the

selected content is an executable file (Col. 33, lines 24-27, lines 41-49).

13.   As per claim 10, Call teaches the method of claim 1, wherein the

script includes a subscriber identifier and a content identifier, and step (b)

further comprises using the subscriber identifier and the content identifier to

create the unique identifier of the selected content (Col. 5, lines 61-67; Col.

6, lines 1-10).

14.   As per claim 11, Call teaches the method of claim 1 wherein the web

page is constructed using HTML, and the script is embedded therein (Col.

11, lines 5-15).

15.   As per claim 13, Call teaches a method of syndicating digital assets

comprising:

(a) constructing a web page (Col. 11, lines 5-15); and

(b) inserting into the web page script associated with at least one digital

asset that is desired to be part of a fully rendered web page, wherein the

script, when executed by a browser, requests the content of the digital asset

from a remote site, the request including a uniform resource identifier (URI)

of a web page and a unique identifier of the selected content (Col. 2, lines

40-48; Col. 15, lines 39-52; Col. 17, lines 42-53, lines 65-67; Col. 18, lines

1-10, lines 52-58; Col. 21, lines 43-48).

16.   As per claim 15, Call teaches a method of claim 13 wherein the

selected content is an executable file (Col. 33, lines 24-27, lines 41-49).

17.   As per claim 16, Call teaches a method of claim 13 wherein the script

includes a subscriber identifier and a content identifier, which together,

create the unique identifier of the selected content (Col. 5, lines 61-67; Col.

6, lines 1-10).

18.   Claims 17 and 21 do not teach or define any new limitations above

claim 13 and therefore are rejected for similar reasons.

19.   Claims 19 and 23 do not teach or define any new limitations above

claim 15 and therefore are rejected for similar reasons.

20.   Claims 20 and 24 do not teach or define any new limitations above

claim 16 and therefore are rejected for similar reasons.

Claim Rejections - 35 USC § 103

21.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis

for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
> described as set forth in section 102 of this title, if the differences between the subject
> matter sought to be patented and the prior art are such that the subject matter as a
> whole would have been obvious at the time the invention was made to a person having
> ordinary skill in the art to which said subject matter pertains. Patentability shall not be
> negatived by the manner in which the invention was made.

22.   Claims 12, 14, 18 and 22 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Call, Charles G. (hereinafter Call), US 6,418,441, in view

of Landsman et al. (hereinafter Landsman), US 6,314,451.

23.   As per claim 12, Call does not explicitly teach the method of claim 1

wherein the script is JavaScript. 25. Landsman teaches a method of claim 1

wherein the script is JavaScript (Col. 11, lines 40-60). 26. It would have

been obvious to one of ordinary skill in this art at the time of the invention

was made to combine the teachings of Landsman and Call because they both

deal with distributing content across a network to a browser from remote

sites. Furthermore, the teaching of Landsman to allow wherein the script is

JavaScript would improve the functionality of Call's system by allowing for

dynamic writing of tags/identifiers in order to download and implement

content pages all while remaining visually transparent to a user's browser.

27. Claims 14, 18 and 22 do not teach or define any new limitations above

claim 12 and therefore are rejected for similar reasons.

Response to Arguments

24.   Applicant's arguments filed 07/05/2005 have been fully considered but

they are not persuasive, therefore rejections to claims 1-24 is maintained.

25.   In the remarks applicants argued that:

Argument: Call does not teach a web browser requesting a web page that

includes script associated with the selected content.

Response: Call teaches a web browser (410 fig 6) requesting a web page

(fetch web page, col 2, lines 17-18) that includes script associated (XSL is

client side scripting language, XSL is used to describe how XML data should

be displayed, col 23, lines 50-67; lines 15-55) with the selected content

(438, 410, Col. 2, lines 18-29).

Argument: Call does not teach the web browser interpreting the script and

formatting a request for obtaining the selected content from a remote site,

the request including a uniform resource identifier (URI) of the web page

and a unique identifier of the selected content.

Response: Call does not teach the web browser interpreting the script and

formatting a request for obtaining the selected content from a remote site

(browser interprets the HTML/Scripts used to format web documents and

recreates the page on the screen, 410 fig 6), the request including a uniform

resource identifier (URI) (URL contained within the request, col 28, lines 42-

63) of the web page and a unique identifier of the selected content (Col. 2,

lines 40-48; Col. 15, lines 39-52; Col. 21, lines 43-48; col 23, lines 15-67).

Conclusion

26. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the

extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to

expire THREE MONTHS from the mailing date of this action. In the event a

first reply is filed within TWO MONTHS of the mailing date of this final action

and the advisory action is not mailed until after the end of the THREE-

MONTH shortened statutory period, then the shortened statutory period will

expire on the date the advisory action is mailed, and any extension fee

pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the

advisory action. In no event, however, will the statutory period for reply

expire later than SIX MONTHS from the mailing date of this final action.

27.   Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Mohammad A. Siddiqi whose

telephone number is (571) 272-3976. The examiner can normally be

reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, John A. Follansbee can be reached on (571) 272-

3964. The fax phone number for the organization where this application or

proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained

from the Patent Application Information Retrieval (PAIR) system. Status

information for published applications may be obtained from either Private

PAIR or Public PAIR. Status information for unpublished applications is

available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on

access to the Private PAIR system, contact the Electronic Business Center

(EBC) at 866-217-9197 (toll-free).

MAS

BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER